

**REMARKS**

## I. Introduction

## The Current Action:

Rejects claims 1-24 under 35 U.S.C. § 112, first paragraph;

Rejects claims 1, 2, 4, 14-16, and 20-24 under 35 U.S.C. § 102(b); and

Rejects claims 3, 5-13, and 17-19 under 35 U.S.C. § 103(a).

This Response amends claim 20 to more clearly described the claimed invention. The Applicant respectfully submits that this amendment and the comments below, fully address all the rejections of record, and respectfully ask the Examiner to withdraw them. Claims 1-24 remain pending in the current application.

## II. Rejections Under 35 U.S.C. § 112, First Paragraph

The Current Action rejects claims 1-24 for being based on a non-enabling disclosure. Specifically, the Examiner believes that “the usage and purpose of generating and preserving data entries, and the definition and characteristics of said data entry, is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled.” *See* Current Action at 2. However, the Applicant respectfully reminds the Examiner that “the Examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention.” *See* M.P.E.P. § 2164.04. In addition, “a specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as being in compliance with the enablement requirement of 35 U.S.C. 112, first paragraph.” *Id.* The Current Action demands that “amendments must be made to the specification and/or claims to clarify the definition and usage of data entry, and to further clarify what purpose the data entry serves.” *See* Current Action at 2. However, other than bald statement that “data entry” is not enabled, the Current Action provides no reasonable basis for deeming “data entry,” or its usage, unclear. Thus, the Current Action fails to meet the burden placed on the Examiner by the M.P.E.P.

Moreover, the specification already provides substantial teachings of the manner and process of making and using data entries. For example, the Applicant directs the Examiner to page 8 line 25 – page 9 line 7, which states:

Preferably, databases are included at the source and destination sites for storing information identifying the transactions active in the network and the status of these transactions. Preferably, data locations in these databases are used temporarily for particular transactions and are infinitely reusable. Preferably, when a new transaction is generated, an entry associated with that transaction is stored in one or more databases and continues to be used to reference that transaction until the transaction is no longer active in the network. Upon completion of a transaction, the entry for that transaction is preferably released for reuse in association with a new transaction. The data entry mechanism of the present invention is thereby preferably able to serve an infinite stream of successive transactions with a finite number of database entries by releasing device entries upon conclusion of a transaction, and reallocating them upon initiation of a new transaction.

This passage, and others, such as Figure 3 and its accompanying textual descriptions, outline the a specific manner and use for data entries in one example embodiment. These teachings clearly meet the M.P.E.P. threshold that must be taken as being in compliance with the enablement requirement of 35 U.S.C. § 112, first paragraph. Therefore, the Applicant respectfully asks the Examiner to withdraw the 35 U.S.C. § 112 rejections of claims 1-24.

### III. The Rejections Under 35 U.S.C. § 102(b)

Claims 1, 2, 4, 14-16, and 20-24 stand rejected as anticipated over Rosborough, U.S. Patent No. 5,838,920 (hereinafter *Rosborough*). However, the Applicant respectfully reminds the Examiner that, in order to be anticipatory, a reference must teach each and every limitation of the rejected claims. The Applicant respectfully asserts that *Rosborough* can not meet this requirement.

Claim 1 states “generating a data entry related to the progress of said data operative transaction in a destination database.” In rejecting this claim, the Current Action equates *Rosborough*’s session between a requester node and a service provider with the “data operative transaction,” an individual packet of that session with a “data entry,” and a recording device 20 (from Figure 1) as a destination database. However, without conceding

that these features of *Rosborough* can be equated with features of claim 1, in *Rosborough*, the data packets are generated by the client computer or the server computer, not the recording device 20 of Figure 1 as the Current Action contends. Thus, *Rosborough* does not generate “a data entry . . . in a destination database,” it generates packets in one place and saves them in another. Therefore, the Applicant respectfully asserts that *Rosborough* does not teach each and every limitation of claim 1, and respectfully asks the Examiner to withdraw the rejection of claim 1.

Claim 14 recites “a reservation database at said destination site.” In rejecting claim 14, the Current Action equates server computer 32 with a destination site and storage device 20 with a reservation database. However, without conceding that these features of *Rosborough* can be equated with features of claim 14, the Applicant respectfully points out that storage device 20 is not at server computer 32. Instead, storage device 20 is designed and intended by *Rosborough* to be on communication line 24 between the points of access of the client or server computers. Thus, storage device 20 is not a reservation database at said destination site, and *Rosborough* does not teach each and every limitation of claim 14. The Applicant respectfully asks the Examiner to withdraw the rejection of claim 14.

Claim 20 recites “means for establishing a plurality of data entries related to the progress of said data operative transaction in a destination database located at said destination site.” In rejecting claim 20, the Current Action equates *Rosborough*’s session between a requester node and a service provider with the “data operative transaction,” individual packets of that session with “data entries,” and a recording device 20 (from Figure 1) as a destination database. However, without conceding that these features of *Rosborough* can be equated with features of claim 20, the Applicant respectfully points out that storage device 20 is not at server computer 32. Instead, storage device 20 is designed and intended by *Rosborough* to be on communication line 24 between the points of access of the client or server computers. Thus, storage device 20 is not a destination database located at said destination site, and *Rosborough* does not teach each and every limitation of claim 20. The Applicant, therefore, asks the Examiner to withdraw the rejection of claim 20.

Claims 2, 4, 15, 16, and 21-24 depend from one of claims 1, 14, and 20. Thus each of claims 2, 4, 15, 16, and 21-24 inherit limitations from its respective base claim not taught by *Rosborough*. Although each of claims 2, 4, 15, 16, and 21-24 recite limitations that make it patentable in its own right, each of claims 2, 4, 15, 16, and 21-24 is at least patentable for depending from a patentable base claim. Therefore, the Applicant respectfully asks the Examiner to withdraw the rejections of claims 2, 4, 15, 16, and 21-24 as well.

#### IV. The Rejections Under 35 U.S.C. § 103(a)

The Current Action rejects claims 3, 5-13, and 17-19 as obvious in light of combined references. However, the Applicant respectfully asserts that none of the combinations proposed is capable of establishing a prima facie case for the claims rejected. The Applicants respectfully remind the Examiner that M.P.E.P. § 2143 requires a rejection to meet three criteria to establish a prima facie case. First, some motivation must be found for combining the references proposed, either in the references themselves or in the knowledge available to one of ordinary skill in the art at the time of the invention, Second, the combination must have inspired a reasonable likelihood of success. Third, the proposed combination must teach or suggest each and every limitation of the rejected claims. Without conceding the first or the second criteria, the Applicants respectfully assert that the proposed references can not establish the third criteria.

Claims 3 and 7-9 have been rejected over a combination of *Rosborough* and Chlan, U.S. Patent No. 6,385,642 (hereinafter *Chlan*). Each of claims 3 and 7-9 depend from claim 1, and thus inherit all of that claim's limitations. As demonstrated above, *Rosborough* fails to teach or suggest "generating a data entry" in the manner required by claim 1. Though not relied on to do so, the Applicant respectfully asserts that *Chlan* does not teach this limitation either. Therefore, the combination of *Rosborough* and *Chlan* do not establish a prima facie case for rejecting claims 3 and 7-9, and the Applicant respectfully asks the Examiner to withdraw the rejections.

Claims 5, 6 and 19 have been rejected as obvious in light of *Rosborough* and Lee et al., U.S. Patent No. 5,774,479 (hereinafter *Lee*). However, claims 5 and 6 depend from claim 1 and claim 19 depends from claim 14. As demonstrated above, *Rosborough* does teach or

suggest the “generating a data entry” of claim 1, and does teach or suggest the “reservation database” of claim 14. Although not relied on to do so, the Applicant respectfully assert that *Lee* does not teach or suggest these features either. Therefore, the combination of *Rosborough* and *Lee* can not establish a prima facie case for rejecting claims 5, 6, and 19, and the Applicant respectfully asks the Examiner to withdraw the rejection s of claim 5, 6, and 19.

Claims 10-12 are rejected as obvious over *Rosborough* and Jalili et al., U.S. Patent No. 5,423,042 (hereinafter *Jalili*). However, claims 10-12 depend from claim, and thus inherit all of that claim’s limitations. As demonstrated above, *Rosborough* fails to teach or suggest “generating a data entry” in the manner required by claim 1. Though not relied on to do so, the Applicant respectfully asserts that *Lee* does not teach this limitation either. Therefore, the combination of *Rosborough* and *Lee* do not establish a prima facie case for rejecting claims 10-12, and the Applicant respectfully asks the Examiner to withdraw the rejections of claim 10-12.

Claims 13, 17, and 18 are rejected as obvious over *Rosborough* and Forman et al., U.S. Patent No. 6,178,449 (hereinafter *Foreman*). However claim 13 depend from claim 1, and claims 17 and 18 depend from claim 14. As demonstrated above, *Rosborough* does teach or suggest the “generating a data entry” of claim 1, and does teach or suggest the “reservation database” of claim 14. Although not relied on to do so, the Applicant respectfully assert that *Foreman* does not teach or suggest these features either. Therefore, the combination of *Rosborough* and *Foreman* can not establish a prima facie case for rejecting claims 13, 17, and 18, and the Applicant respectfully asks the Examiner to withdraw the rejections of claims 13, 17, and 18.

## V. Conclusion

In view of the above amendment and arguments, the Applicant believes the pending application is in condition for allowance.

The Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10992150-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, Airbill No. EV629197362US in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: August 15, 2005

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